



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

BJG

Docket No: 6576-99

27 January 2000

MAJ [REDACTED] USMC  
[REDACTED]  
[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

It is noted that the Commandant of the Marine Corps (CMC) has granted your request to add the reviewing officer's comments to your fitness report for 3 February to 1 May 1998.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 27 January 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board, dated 20 October 1999, and the advisory opinion from the HQMC Officer Career Counseling and Evaluation Section, Officer Assignment Branch, Personnel Management Division (MMOA-4), dated 18 October 1999, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion from MMOA-4 in finding that your failure by the Fiscal Year (FY) 2000 Lieutenant Colonel Selection Board should stand. They found that the reviewing officer's comments were in your record presented to the FY 2001 Lieutenant Colonel Selection Board, so your failure of selection by that promotion board should remain as well. In view of the above, your application for relief beyond that effected by CMC has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and

material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

6576-99

IN REPLY REFER TO:

1610  
MMER  
20 Oct 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION  
OF NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF MAJOR [REDACTED]  
[REDACTED] USMC

Encl: (1) CMC Advisory Opinion 1600 MMOA-4 of 18 Oct 99  
(2) Copy of CMC ltr 1610 MMER of 19 Oct 99

1. A review of Major [REDACTED] Official Military Personnel File (OMPF) reveals that Major [REDACTED] Reviewing Officer comments have been incorporated onto the fitness report for the period 980203 to 980501 (TR).

2. We defer to BCNR on the issue of Major [REDACTED] request for the removal of his failure of selection to the grade of Lieutenant Colonel. Enclosure (1) is furnished to assist in resolving that matter.

3. As evidenced by enclosure (2), Major [REDACTED] has been provided a copy of the Advisory Opinion contained at enclosure (1).

[REDACTED]  
[REDACTED]  
Head, Performance Evaluation  
Review Branch  
Personnel Management Division  
By direction of the Commandant  
of the Marine Corps



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HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

6576-99

IN REPLY REFER TO:

1600  
MMOA-4  
18 Oct 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR PETITION FOR MAJOR [REDACTED]  
[REDACTED] USMC

Ref: (a) MMER Request for Advisory Opinion in the case of  
Major [REDACTED] USMC  
of 14 Oct 99

1. Recommend disapproval of Major [REDACTED] request for removal of his failure of selection.
2. Per the reference, we reviewed Major [REDACTED]'s record and petition. Major [REDACTED] failed selection on the FY00 USMC Lieutenant Colonel Selection Board. He believes a material error, the lack of reviewing officer comments on the Transfer fitness report of 980203 to 980501 caused his failure of selection. Major [REDACTED] requests removal of his failure of selection.
3. In our opinion, the lack of reviewing officer comments does not present any competitive concern to the record. The reviewing officer comments added subsequent to the adjournment of the Board are very similar to those from the previous report and do not materially enhance the competitiveness of the record. Major [REDACTED] has other areas of serious competitive concern in his record that more than likely led to his failure of selection.
  - a. **MOS Credibility.** Major [REDACTED] has not served in a tactical squadron since 1988, and has only forty-three months of observed time in the Operating Forces, all as a company grade officer. During his only fleet tour, he had thirteen officers ranked above him and only five below, placing him near the bottom of his peer group when competing directly against his peers in the operating forces in his MOS.
  - b. **Section B Marks.** Major [REDACTED] record has less competitive Section B marks in Administrative Duties, Handling Officers, Handling Enlisted, Training Personnel, Endurance, Attention to Duty, Cooperation, Initiative, Force, Loyalty and Economy of Management.

Subj: BCNR PETITION FOR MAJOR [REDACTED]  
[REDACTED] USMC

4. In summary, we believe Major [REDACTED]'s petition is without merit. His record received a substantially complete and fair evaluation by the Board. Further, had the petitioned report's reviewing officer comments been added prior to the convening of the Board, the record would not have been significantly improved. Major [REDACTED]'s record has other areas of competitive concern beyond the petitioned report that more than likely led to his failure of selection. Therefore, we recommend disapproval of Major [REDACTED]'s petition for removal of his failure of selection.

5. Point of contact is LtCol Bob [REDACTED]

[REDACTED]  
Lieutenant Colonel, U. S. Marine Corps  
Head, Officer Career Counseling and  
Evaluation Section  
Officer Assignments Branch  
Personnel Management Division